

AMENDMENTS TO THE DRAWING

Figure 1 in Drawing Sheets 1-2 and Figure 3 in Drawing Sheets 4-86 are amended.
The attached Annotated Drawing Sheets 1-2, 4-6, and 46 show the amendments made.

Applicants also provide Replacement Drawing Sheets 1-2, 4-86 which replace the original Drawing Sheets 1-2 and 4-86.

REMARKS/ARGUMENTS

Amendments to the Specification

The Title, Paragraphs [0010], [0011], [0015], [0044], [0045], [0047], [0048], [0049], [0058], [0097], [00110], [00111], [00112], [00113], [00114], [00115], [00128], [00129], [00133], [00134], [00136], [00141], [00142], [00143], [00144], Tables 2-4 and 7-8, and the Abstract, are amended to correct informalities. No new matter is added by the amendments.

Amendments to the Drawing

Figure 1 and Figure 3 are amended to correct informalities. Applicants provide Annotated Drawing Sheets 1 and 2 to show the changes made to Figure 1. Applicants further provide Annotated Drawing Sheets 4 and 46 to show the changes made on these two sheets, and Annotated Drawing Sheets 5-6 as examples to show the type of changes that were made to the other drawing sheets of Figure 3. No new matter is added by the amendments.

Applicants hereby provide the Replacement Drawing Sheets 1-2 and 4-86.

Election/Restrictions

The Examiner issued a restriction, where the claims were divided into Group I (claims 1-17) and Group II (claims 18-25). The claims of Group I are drawn to compositions comprising a protein in crystalline form and methods of making the protein crystals, and the claims of Group II are drawn to methods of identifying an associating species requiring the use of the structural coordinates of the protein.

Pursuant to 37 C.F.R. § 1.142, Applicants elected Group I (claims 1-17) and withdrawn Group II (claims 18-25) without traverse.

By this amendment, Applicants cancel claims directed to Group II (claims 18-25) and add new claims 26-33 which depend from claims within elected Group I. All pending claims 1-2, 4-6, 9-10, 12-15, 17, and 26-33 are now directed to the subject matter of the elected Group I.

Applicants reserve the right pursuant to 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of the present application.

Compliance with the Sequence Rule

The Examiner contends that the Application fails to comply with the requirements of 37 C.F.R. § 1.81-1.825 of identifying sequences with a SEQ ID NO. Specifically, the Examiner points out that the structural coordinates in Figure 3A and 3B (now combined as Figure 3) teach an amino acid sequence, and to be in compliance with the sequence rules, must have a SEQ ID NO inserted into the brief description of the drawings or into the Figure directly.

Applicants amend Figure 3 to insert a sequence identifier (SEQ ID NO) into the Legend of the Figure. Applicants further amend the Specification to insert sequence identifiers. Applicants believe the Application is now in compliance with the sequence rule, and respectfully request the Examiner to withdraw the objection of the Application for non-compliance with 37 C.F.R. § 1.81-1.825.

Objections to the Drawings

The Examiner object to the Drawings because the Figures are not numbered in accordance with 37 C.F.R. § 1.84(u)(1), which states, “[p]artial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter.”

Applicants amend Figures 1 and 3 to renumber the sheets containing the Figures. Applicants believe the Application is now in compliance with 37 C.F.R. § 1.84(u)(1), and respectfully request the Examiner to withdraw the objection.

Objection to the Specification

(a) Title

The Examiner objects to the Title as being not descriptive, and suggests a new title.

Applicants amend the Title to: "Wild-type kinase domain of human Ephrin Receptor A2 (EPHA2) and Crstyalization Thereof" which Applicants assert is descriptive of the claimed subject matter.

(b) Abstract

The Examiner objects to the Abstract as being not completely describing the disclosed subject matter and suggests the inclusion of the name of the source species (i.e. human).

Applicants amend the Abstract according to the suggestion of the Examiner.

Applicants believe they have corrected each of the objections raised by the Examiner, and respectfully request the Examiner to withdraw the objections to the Specification.

Claim Rejection under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claim 4, 7, 8, 12 and 16 under 35 U.S.C. § 112, Second Paragraph for indefiniteness.

(a) The phrase "a resolution greater than 3.0 Angstroms"

The Examiner contends the phrase "a resolution greater than 3.0 Angstroms" in claims 4 and 12 is unclear that the term "greater than" with respect to 3.0 Angstroms can be interpreted as 1) a *number* greater than 3.0 Å, or 2) a *resolution* greater than 3.0 Å.

Applicants amend claim 4 and 12 to state the diffraction resolution has a value of less than 3.0 Angstroms. Applicants believe claims 4 and 12 as amended overcome the Examiner's rejection and respectfully request the withdrawal of their rejection under 35 U.S.C. § 112, Second Paragraph.

(b) The abbreviation "EPHA2"

The Examiner contends that recitation of the abbreviation "EPHA2" in claims 7 and 8 is unclear as to the polypeptides that are being encompassed by "EPHA2".

Claims 7 and 8 are cancelled; therefore, the Examiner's rejection is obviated.

(c) The recitation of "protein expressed as SEQ ID No. 2"

The Examiner contends that recitation of "protein expressed as SEQ ID No. 2" in claim 16 is confusing as SEQ ID No. 2" is a nucleic acid and not a polypeptide.

Claim 16 is cancelled; therefore, the Examiner's rejection is obviated.

Claim Rejection under 35 U.S.C. § 112, First Paragraph

The Examiner rejects claims 1-16 under 35 U.S.C. § 112, First Paragraph on the ground that the claims, as presented, do not satisfy the written description or enablement requirements.

Applicants note that claim 17 is objected to because the Applicants used an improper sequence identifier in the claim; there is no other objection or rejection to the claim. The claim should be allowable after the informality is corrected. Claim 17 recites SEQ ID NO: 3.

Applicants amend independent claims 1 and 9 to incorporate the recitation of SEQ ID NO: 3 which is recited in claim 17 and shown in Figure 1. The now pending claims are all drawn to compositions and methods utilizing SEQ ID NO: 3.

In view of the above amendments to the claims, Applicants submit that pending claims 1-2, 4-6, 9-10, 12-15, 17, and 26-33 as amended, overcome the Examiner's rejections under 35 USC § 112, First Paragraph. Withdrawal of the rejection is therefore respectfully requested.

Claim Rejection under 35 U.S.C. § 102(b)

The Examiner rejects claim 16 under 35 U.S.C. § 102(b) as being anticipated by Lindberg et al. (Mol. Cell. Biol., vol. 10, pp. 6316-24, 1990).

Claim 16 is cancelled; therefore, the Examiner's rejection is obviated.

CONCLUSION

In light of the amendments and remarks set forth above, Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance.

Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

TAKEDA SAN DIEGO, INC.

Dated: July 7, 2006

By: David J. Weitz
David J. Weitz
Reg. No. 38,362

Customer No. **32793**
Takeda San Diego, Inc.
10410 Science Center Drive
San Diego, CA 92121
Tel: (858) 622-8528
Fax: (858) 550-0992